

REMARKS

I. Introduction

In response to the Office Action dated February 15, 2005, Applicants have canceled withdrawn claims 5-18, without prejudice or disclaimer. Also, Applicants have amended claims 1, 2 and 4 so as to further clarify the claimed subject matter. New claims 19-23 are added. Support for these amendments can be found, for example, in Figs. 1, 2 and 8, and their corresponding sections of the specification. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1 and 3-4 Under 35 U.S.C. § 102

Claims 1 and 3-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by USP No. 6,184,718 to Tran. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 recites in-part that the intermediate node is formed to connect the source-drain paths of the plurality of logical-operating MOS transistors between the precharge node and a second potential power supply.

In the pending rejection, the Examiner reads the node 333 of Tran as the claimed intermediate node, the input transistors 335/336 as the claimed logical-operating MOS transistors, the node 316 as the claimed precharged node and the node 333 as the claimed second potential power supply. As a preliminary matter, it is important to note that the claimed intermediate node and second potential power supply are *separate* and *distinct*. That is, the node 333 of Tran cannot reasonably be interpreted as both the claimed intermediate node and second

potential power supply. Furthermore, if Tran is to be interpreted in the manner set forth in pending rejection, Applicants respectfully submit that the node 333 of Tran does not connect the source-drain paths of the input transistors 335/336 between the precharge node 316 and the alleged second potential power supply. Indeed, Tran discloses only that the node 333 is provided between the logic block 304 containing the input transistors 335/336 and the evaluation transistor 306 to which the clock signal is input, and does not disclose or suggest placing the node 333 between the source/drain path of the input transistor 335 and that of the input transistor 336. In direct contrast and in accordance with one exemplary embodiment of the present invention, the intermediate node 13 is situated in a manner that connects the source-drain paths of the transistor 2 and the transistor 3. Thus, it is respectfully submitted that Tran does not disclose or suggest the claim elements recited by claim 1.

With respect to claim 2 and new claims 21 and 22, as claim 2 and new claim 22 recite the claimed feature “at least one intermediate node is formed to connect the source-drain paths of the plurality of logical-operating MOS transistors between the precharge node and the discharge node” and new claim 21 recites the claimed feature “at least one intermediate node is formed to connect the source-drain paths of the plurality of logical-operating MOS transistors between the precharge node and a second potential power supply,” it is respectfully submitted that claim 2 and new claims 21 and 22 are allowable for reasons discussed above with respect to claim 1.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Tran fails to disclose or suggest the foregoing claim elements, it is clear that Tran does not anticipate claim 1, 2, 21 or 22, or any of the claims dependent thereon.

III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 2, 21 and 22 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

Furthermore, it is noted that Tran does not disclose or suggest the claim elements recited by new claims 19, 20 and 23. Thus, it is also respectfully submitted that new claims 19, 20 and 23 are patentable over the cited prior art.

IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

**Please recognize our Customer No. 20277
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/AHC/dlb
Facsimile: 202.756.8087
Date: May 16, 2005